

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

17-cv-7494
[PMH] MOTION

SAMUEL J. SMOLEN, JR.
PLAINTIFF

VS

ST. ANDREW NEVINS, ET AL
DEFENDANTS

TO EXTEND THE
TIME FOR THE
PLAINTIFF TO
FILE A MOTION
TO COMPEL DIS-
COVERY DUE TO
THE HOSPITALIZA-
TION OF THE PLAINTIFF FOLLOWED
BY MEDICAL KEEP-
LOCK

RECEIVED
SDNY PRO SE OFFICE

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I SAMUEL J. SMOLEN-JR. -
THE PLAINTIFF IN THE ABOVE
TITLED CASE-do HEREBY FILE
THIS MOTION REQUESTING THE
COURT TO EXTEND THE TIME

FOR THE PLAINTIFF TO FILE A MOTION TO COMPEL
DISCOVERY DUE TO THE HOSPITALIZATION OF THE
PLAINTIFF FOLLOWED UP BY MEDICAL KEEPLOCK. ON
THE 23RD OF FEBRUARY 2021-PLAINTIFF RECEIVED
THE FIRST OF TWO SHOTS-OF THE MODERNA
VACCINE. ON THE 24TH OF FEBRUARY 2021-THE
PLAINTIFF WAS HOSPITALIZED-IN THE FACILITY'S
INFIRMARY-WITHOUT ANY OF HIS LEGAL PAPERS-
INVOLVING THE ABOVE TITLED CASE-DUE TO AN
ADVERSE REACTION-TO THE CO/VID 19 CORONA
VIRUS VACCINE. ON THE 26TH OF FEBRUARY
2021 PLAINTIFF STILL SUFFERING FROM THE
EFFECTS OF THE VACCINE WAS SENT BACK TO
HIS HOUSING UNIT TOO WEAK TO WRITE OUT HIS
MOTION TO COMPEL AND TO ANSWER THE DEFEN-
DANT'S PROPOSED JOINT PRETRIAL ORDER. ON THE
27TH OF FEBRUARY 2021 PLAINTIFF WAS SEEN
BY DR. MIHAIL GUSMAN-M.D- WHO PRESCRIBED
THE ANTI-BIOTIC AZITHROMYCIN AND THE ANTI-BIOTIC
NEOMYCIN POLY/ACETATE EYE-DROPS FOR THE PLAINTIFF
SS. ~~THE~~ WHOSE EYE INFECTION CAUSED ME TO HAVE
BLURRY VISION IN BOTH EYES-WHICH ALSO MADE IT
IMPOSSIBLE TO FILE THE MOTION TO COMPEL AND
ANSWER DEFENDANT'S PROPOSED JOINT PRETRIAL

#17-CV-7494
SMOLEN VS. NEVINS

U.S. DISTRICT COURT
S. D. N.Y. [PMH]

CON'T. -- ORDER.

I RESPECTFULLY REQUEST THAT DUE TO THE ABOVE STATED MEDICAL PROBLEMS ENCOUNTERED BY THE PLAINTIFF THAT THE COURT EXTEND THE TIME FOR THE PLAINTIFF TO FILE A MOTION TO COMPEL IN THE ABOVE TITLED CASE AND ADDITIONAL TIME TO ANSWER THE DEFENDANT'S PROPOSED JOINT PRE-TRIAL ORDER AND ANY AND ALL OTHER RELIEF THAT THE COURT DEEMS NECESSARY AND JUST.

RESPECTFULLY SUBMITTED
Samuel J. Smolen, Jr.
S. SMOLEN #85A 4082
SULLIVAN C.F.
P.O. BOX 116
FAIRBURG-N.Y.
12733-0116

CC: MS. AMANDA YOON-A.A.G.
28 LIBERTY STREET
NEW YORK-N.Y. 10005

CC: FILE

Plaintiff shall file his motion to compel and provide Defendants comments on the Joint Pretrial Order by April 9, 2021. No further extensions will be permitted. Defendants shall respond to Plaintiff's motion within 5 days of receipt thereof. The conference scheduled for March 25, 2021 is adjourned until April 26, 2021 at 10:00 a.m. At the time of the scheduled conference all parties shall call (888) 398-2342; access code: 3456831. Counsel for Defendants is responsible for making all arrangements necessary for Plaintiff to appear by telephone. Defendants shall file the proposed Joint Pretrial Order by April 22, 2021. The Clerk is directed to terminate ECF No. 106 and to mail a copy of this Order to Plaintiff at the address on the docket.

SO ORDERED.


Philip M. Halpern, U.S.D.J.

Dated: White Plains, NY
March 17, 2021